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Legislative Handbook

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foreword

Persons associated with the Montana Advisory Council on Children and Youth (MACCY) work to help bring about a quality life for Montana children and youth.

In the process, it became evident that many Montanans need help to overcome their "awe and apathy barriers" and to develop their potential for involvement. Then they can work constructively with such decision-makers as: school board members, town and city councils, county commissioners, state legislators and officials in local, state and national agencies of government.

Therefore, through the help of the Department of Social and Rehabilitation Services, this publication has been prepared for you by . . .

Opal Winebrenner, Member
Montana Advisory Council on
Children and Youth (MACCY)

and

Gerry Fenn, Community Planning Coordinator,
Children and Youth Programs

MACCY member, Robin Evans, invented the logo and designed the cover photo for this publication.

Information provided is based upon work done by MACCY members, Opal Winebrenner and Jerry Dalton, who have monitored the Montana Legislature on children and youth issues. Ideas also came from MACCY persons who participated in educational visits and action during the 1972 Montana Constitutional Convention and during several sessions of the Montana Legislature.

Several other persons in MACCY and in government have generously and carefully reviewed the material so it would be as helpful and accurate as possible. Since procedures change rapidly, please make constant inquiries and pass the information along.

Anyone wishing to reproduce all or part of this material is welcome to do so if credit is given to the Montana Advisory Council on Children and Youth. Additional copies are available from the . . .

Children and Youth Unit
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
P. O. Box 1723
Helena, Montana 59601

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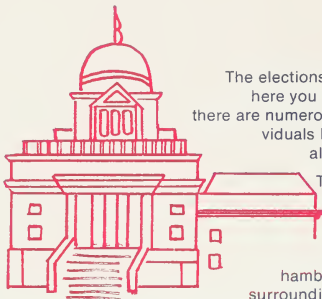


are we being kept uninformed ?

- “The function of leadership is to structure issues so that people may understand them — then decide.
- “Knowledge is power. In every aspect of life, from the simplest to the most complex, those who possess information can share it — and therefore share power — or they can hoard information and thereby limit the exercise of power and decision-making to themselves . . .
- “In voluntary organizations, schools and communities, the need has never been greater for leaders who are willing to accept their responsibility to clarify the issues and to let those most affected share in determining what to do about them . . . A concomitant responsibility falls upon the citizens — or members — to try to understand and to make wise decisions.
- “The quickest way to exclude people, be they members or citizens, from decision-making and power is to keep them uninformed. And the quickest way for citizens or members to exclude themselves is to neglect the information and opportunities which are theirs.”

Alice L. Beeman, General Director
American Association of University Women

introduction



The elections are over and another Legislative Assembly has begun, and here you are at the State Capitol. Scores of people are milling about, there are numerous groups engaged in small talk, National Guardsmen, individuals loaded with reams of papers, citizens, students, lobbyists — all confusion to the first-time visitor.

Too often individuals who visit the Legislature and decide to spend the day will sit in the balcony galleries wondering what is going on, and pompously decide the legislators must not be doing a thing as they sit with their feet on a desk, stuffing down a hamburger and reading a newspaper seemingly oblivious to their surroundings. Full of misconceptions and with little understanding of the process, these people return home disgusted at how their tax money is being spent.

This **Legislative Handbook** addresses itself to the need to provide basic information on Montana's legislative process so that individual citizens can take a positive and active role in the legislative process of their State. The 1972 Montana Constitution was framed with the goal in mind that citizens of our State must be given the opportunity to play an active and decisive role in determining the course toward which our State will head.

Montanans must now make a concerted effort to realize our **individual** potential by contributing in various ways our opinions and views to affect the legislative process, and in turn the whole governmental system.

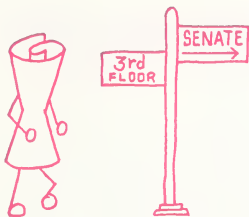
Individual citizens **can** make an impression on our State — the opportunities are there — we need only take advantage of them. It's our responsibility, and if we fail to take it, then we will not have any right to criticize the results of our apathy.

"It is commonly said that in a democracy,
decisions are made by a majority of the people.

It is not true.

Decisions are made by the majority of those
who make themselves heard . . .
a very different thing."

1948 AAUW JOURNAL



the basics

The Senate and House of Representatives Chambers are located on the third floor of the Capitol Building and are connected by a lobby containing two blackboards, one for each house. The blackboards are used to post committee hearing schedules. The hearings and meetings are listed under the appropriate committee headings, in addition to the bills to be considered and the time and location for the meetings.

In 1973 to find out which bills would be considered by each house during the day's business session, you could request a copy of the **Daily Agenda** from the respective Sergeant-at-Arms Offices located near each chamber. In current efforts to reorganize and centralize related functions under specific offices, this **Daily Agenda** will be available from the Secretary of the Senate or the Chief Clerk of the House. If none are available, you will have to consult the bill boards located inside the two chambers and easily viewed from the balcony areas on the fourth floor. Information as to the subject matter of bills being considered may be obtained from the Secretary of the Senate or the Chief Clerk of the House.

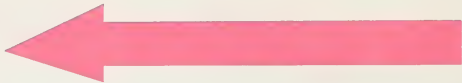
In the House of Representatives, the bills to be considered are listed under the voting machines located to the left and right of the Speaker of the House's rostrum. You will also find the time that the House will convene for the business session posted. Since convening times can vary from day to day and between houses, it is necessary to check the times if you wish to observe the opening of a session. In the Senate Chambers, the bills to be considered will be posted on a large blackboard located near the Secretary of the Senate's rostrum, along with the convening time.

Copies of any bills you may wish to look over can be purchased in the basement of the Capitol at the Mail Room for a small fee. It would also be helpful to secure copies of **Status Sheets** for both houses, which are published daily and are obtainable at the Mail Room. Status Sheets contain a list of all the bills introduced with a concise summary of the essence of each bill, and its status for that day, that is, whether it is in committee, on second reading, being engrossed, and so forth.

You have free access to the balcony seating areas located on the fourth floor, from which to observe the business proceedings and other activities of both houses. You will be requested not to take camera shots of the Legislature in session if your camera uses flashbulbs as this disturbs the legislators on the floor. It is permissible to eat and drink in this area, but there is to be no smoking.

If you have any questions, don't be afraid to ask someone — pages, guides, legislators, the Information Desk, the Sergeant-at-Arms Offices — everyone is willing to help.

contacting your legislator



The most crucial and effective time to contact your legislator(s) is before he or she is even elected to office. Legislative candidates are more inclined to listen to you and discuss their feelings on issues before elections because of their desire to get out among the people to secure support, and get a general consensus of what the public is thinking and where their priorities are.

Such discussion will give you, the voter, a much broader and informed basis to choose whom you'll support on election day, and there is also the possibility that one of your concerns may become proposed legislation sponsored by your representative.

Contacting legislators at home before they are elected, after elected, before and after the legislative sessions, will give both of you a more relaxed atmosphere to talk over issues. While at the Legislature, most legislators have only a few minutes to talk to their constituents, and both parties will be annoyed by the inevitable interruptions. This is not to say that you should not contact your legislators during the legislative session. But only to serve as a reminder that if you have a particular concern that you would like to see action taken on, take the initial steps **before** the legislative session begins. Research and writing proposed legislation takes time, so to insure a good bill with the best possibilities of passing into law, action needs to be started before the sessions.

Contacting legislators before the legislative session will also give you an opportunity to interview them on their feelings on specific issues and keep track of their responses. During the legislative session, you will find such data very useful in showing the individual legislator what he said a few weeks ago, compared to the action he is now taking in regard to a certain issue.

At Helena

Seating charts of both chambers will be available from the Information Desk located in the Capitol Rotunda or by requesting one from the Sergeant-at-Arms offices near the two chambers. If you arrive before the houses convene for business, you are free to enter the two chambers and by utilizing your seating chart, you can locate your individual representative or senator. If someone is guarding the chamber entrances, it is advisable to ask permission before entering.



One hour before the houses convene for the day's business session, a sign will be posted at the entrances stating, "One Hour Rule in Effect." This means that no one except legislators and authorized persons are allowed free access to the chamber floors. The reasoning behind this rule is to allow legislators some time before convening to organize and prepare for the business session without being interrupted by lobbyists and others.

If you wish to see your legislator while this rule is in effect or when the houses are in session, write a note including your name and hometown, and briefly state your reason for seeing the legislator. Pages, who are identifiable by their name badges, are usually easy to find and you may request one to take your note into the chamber for your legislator. If you should be unable to locate a page, go to the respective Sergeant-at-Arms Office and ask for one to take your note in.

Your legislator will either come out to speak with you, write a return note, or request that you be allowed onto the chamber floor. Unless you are escorted by a page or a legislator, you will be requested to leave the floor.

If your legislator in the House of Representatives desires, he may ask you to remain on the floor with him, either sitting next to him at his desk or in a seat along the sides of the chamber. The Senate usually does not allow this, but as rules may vary from session to session one should always ask. An opportunity to sit on the floor during a session should be taken, as it allows you a chance to observe how business is carried out on a first-hand basis with your legislator close by to answer your questions. If you do not receive the opportunity to sit on the floor, you can observe all business proceedings of both houses from the balcony seating areas located on the fourth floor.

For a half an hour after a house has adjourned its business session for the day, again no one but the legislators and authorized personnel are allowed on the chamber floors.

At Home In Helena

If you should wish to contact your legislator at his Helena home address, a list of addresses and phone numbers can be obtained by requesting a copy of the **Montana Directory** published with the compliments of the Mountain Bell Company. Check at the Information Desk to find out how these copies can be obtained.

means of communication...



letter writing

Letters are an excellent and inexpensive method through which to contact your legislator and let him know your feelings and opinions about specific legislation and issues. Legislators **do** read their mail and need the input of individual citizens to guarantee that the resulting legislation will be that which the people want.

Knowing when to write, whom to write and what to say are the most important factors in effective letter-writing.

Some important points to remember are:

A. The Proper Address

1. Address your envelope: Senator (or Representative) _____
State Capitol
Helena, Montana 59601
2. Address your letter: The Honorable _____
Senate Chambers (or House of Representatives)
State Capitol
Helena, Montana

Dear Senator _____:
Dear Representative _____:

B. Who To Write

1. First write to the Chief Sponsor of the particular bill you are interested in,
2. Then, send letters to the Committee Chairman and all the members of the Committee that will be studying the bill,
3. Lastly, write your own legislators.

C. When To Write

1. Write the Chief Sponsor, the Committee chairman and Committee members **before** the Committee hearing on the bill takes place.
2. Write your own legislator **before** the bill reaches the Floor on Second Reading. Most debate on a bill will occur on Second Reading, and usually if a bill passes Second Reading it will also pass third reading.

D. What To Say

1. Write your letter as an individual.
 2. Identify the bill with which you are concerned by number and title.
 3. Give the Chief Sponsor's name and the general essence of the bill.
 4. Indicate your position on the bill, stating **briefly** your reasons for asking his support or opposition on the measure.
 5. Offer documented information for your case.
 6. Request his consideration of your views.
 7. Include your name, title or position and return address.
- E. Form letters, duplicated letters and one letter with many people signing their names will receive little or no consideration. If you care enough about the issue, you should write your own letter.
- F. Be courteous and gracious, and remember to thank your legislator for taking time to read your letter.



telegrams

For a fast and concise method to get your opinions known, send telegrams. Use essentially the same pointers as suggested for letter-writing, only be more brief and to the point.

by telephone



In 1973 to telephone your legislator while he was at the Capitol, you could call the Legislative Operator and request to speak to your representative. A page was sent out from the Operator's Office to see if your legislator was in the chamber, or available to come to the phone. If he was not able to come to the phone or could not be found, you could leave a message that would be delivered to his desk by a page. As it was very easy for these messages to become misplaced, it was a good idea to try to call again later, if you urgently needed to reach him.

Under consideration is a procedure whereby legislators will be reached by message only, unless an emergency exists. Plans include installation of more private WATS lines for legislator's use. This will make it more convenient to return calls.

The best way to phone your legislator is to make a "person-to-person" call to the particular representative you wish to speak to. This type of call is not charged to you unless you speak directly to the person you requested. If your legislator cannot be contacted, you are allowed to leave a message for him and will not be charged for the call.

It is also possible to call the appropriate Committee meeting room, if you know that your legislator will be present there during a committee hearing or meeting. Many times if a committee meeting is being held, you will be requested to call back, as it is usual practice not to disturb or interrupt a meeting. However, if you leave a message at a committee room, you have a much better chance of it reaching your legislator. It is more likely that the legislator will call back immediately after the meeting is completed, using the committee room phone. If the call is very urgent or an emergency, your call will be allowed through immediately.

Even if the committee is not in session, you can call the committee room of the committee that you know your legislator is a member of and leave a message with that committee's secretary. She will then give the message to him when he comes to attend a meeting.

It is important to realize that legislative phone numbers are subject to change from session to session, as the phones are removed after a Legislative Assembly adjourns. If you wish to call a particular committee room, for instance, it will be advisable to contact the Legislative Operator first and request the correct phone number.

buttonholing— an opportunity to speak your piece in person

- BEFORE YOU LEAVE HOME:**
1. Do your homework. Be as fully informed about the bill as possible.
 2. Know what arguments the opposition has.
 3. Anticipate questions.

YOU ARE AT THE CAPITOL:

1. Do not interrupt if the Legislator is talking with someone else — WAIT — no matter how anxious you are to talk with him.
2. SMILE!! Introduce yourself and tell him where you are from.
3. State your reason for engaging him in conversation.
4. If the Legislator asks a question you cannot answer, assure him that you will get the answer to him.
5. Have written material concerning your position available. Offer it if he's interested, but don't push.
6. Respect his view. His convictions may be as strong as yours.
7. THANK him for speaking with you.

Ruth Simerly



legislative leadership

For each Legislative Assembly, the Democratic and Republican legislative party caucuses meet to choose leadership officers for the coming term. In both the Senate and the House of Representatives, which ever political party elects the most members to a certain house becomes the majority party of that house.

Both the Senate and the House of Representatives have a Majority Leader and a Majority Whip, who are chosen by members of the majority party caucus in the respective house. The Majority Leader, essentially an administrative official, is responsible for planning and controlling the order of business to be considered by the house. This is carried out from a party-oriented point of view. The Majority Whip assists the Majority Leader as needed, and is responsible for securing the attendance of the party members for important legislative votes and informs the members of the wishes of the party leadership.

Both houses also have a Minority Leader and a Minority Whip, chosen by the minority party caucus, who carry out essentially the same tasks as the majority leadership with the exception that they do not possess either the power or the influence of the majority.

Senate Leadership

President of the Senate
President Pro Tem

Majority Leader
Majority Whip

Minority Leader
Minority Whip

House of Representatives Leadership

Speaker of the House
Speaker Pro Tem

Majority Leader
Majority Whip

Minority Leader
Minority Whip

Presiding Officers

In the Senate, the President presides over the Senate proceedings with the President Pro Tem, serving in his absence. In the House of Representatives, the Speaker of the House and the Speaker Pro Tem are the presiding officials. All four officers are chosen from the membership of their respective houses by the majority caucus.

The presiding officers have numerous responsibilities including such areas as: to interpret and apply rules when there is a question of proper procedure, to refer introduced bills to standing committees for study and action, and to name members to any special committees. (Note: New functions and responsibilities are being considered for these presiding officers. Check on it.)

Presiding officers can be powerful and influential individuals depending on their personality and the amount of respect they can command from their respective house memberships.

Education	Taxation	Natural Resources
Room 411	Room 314	Room 403A
HB 46	HB 50	HB 109
HB 12	HB 64	HB 25
HB 59	SJR 9	SB 14
SB 110		SB 91

the committee system

To the observer of a legislative business session, it often appears that the legislators are oblivious to their surroundings only coming to life when required to vote. It is very easy to be filled with misconceptions concerning the Legislature by only attending a business session.

The majority of legislative work is carried out through the Committee System, as becomes very apparent by attending committee hearings and meetings.

There are four basic types of committees:

- A. **Standing Committees:** permanent groups that continue from one session of the Legislature to another.
- B. **Select Committees:** consist of a special or temporary group created for a particular job.
- C. **Joint Committees:** consist of committees composed of members drawn from both the House of Representatives and the Senate.
- D. **Conference Committees:** special committees generally composed of a part of the membership of a House committee and a part of the membership of its counterpart committee in the Senate which meets for the particular purpose of settling differences in a bill passed by one of the houses and amended by the other house. The purpose of this conference is to iron out differences and reach a common bill acceptable to both the Senate and the House.

Each standing committee is assigned jurisdiction over specified subjects of legislation. For example, the Education Committee will have jurisdiction over all bills introduced related to education such as curriculum and teacher certification.

Every legislator is a member of at least two committees with some members serving on more. Each committee has a chairman, usually of the majority party, who presides over the meetings and hearings. A vice-chairman is named who presides in the absence of the chairman.

Under the 1972 Montana Constitution, all Montana citizens have the right to attend any committee meeting or hearing. This opens up the legislative process, allowing the citizenry to keep tabs on the legislators and the Legislature.

The Committee Hearing

To aid in clarifying the procedure of a committee hearing, it will be helpful to go through the process with a hypothetical example. "The bill to be considered is House Bill 2189 (HB-2189) which would lessen the number of compulsory hours in a school day. The bill has been introduced in the House of Representatives and assigned to the Education Standing Committee for further study and recommendations.

"The Education Standing Committee of the House of Representatives has called a committee hearing for Tuesday at 9:00 a.m. The Committee Room is set up with a long table in the middle of the room around which the members of the Committee will sit. The chairman, vice-chairman and the secretary are usually seated together at one end of the table. Some chairs are provided around the sides of the room for the use of testifiers and observers. On the table for each Committee member is a booklet containing various information and copies of the bills that are to be considered by the Committee.

"Before the meeting is brought to order, all those people who wish to testify will sign in with the Committee secretary. The Committee secretary supplies the testifiers with a paper on which they fill in their name, whom they represent, which bill(s) they are interested in and whether they are "for" or "against" the bill. If a testifier is presenting written testimony, it may be attached to or written on this sheet. These sheets are returned to the secretary who puts them in order as to bill number and those in support and those in opposition.



"The Committee chairman calls the meeting to order, the secretary calls the roll and the official business begins. The bills to be discussed are usually taken in the order they were posted on the Committee Hearing-Meeting Schedule Board. The Committee chairman can, however, alter this sequence. Due to this possibility it is always essential to be present at the beginning of the meeting or hearing even though your bill is at the bottom of the list of those to be considered.

"The first bill on the agenda, House Bill (HB) 2189, would lessen the number of compulsory hours in a school day. The Sponsor of the bill is called upon to introduce his bill with a concise summary of its contents and intent.

"Next the proponents or supporters of the bill are asked to present their testimony, and after them come the opponents or non-supporters who present their testimony against the bill. When all the testimony is completed, the Sponsor of the bill is allowed a short time to present rebuttal to any of the opponents' testimony and clarify any points. The Committee chairman now allows the Committee members to ask questions of the Sponsor and the testifiers."

After the questioning is completed, the Committee may decide:

- A. To take action on the Bill immediately giving it a "Do Pass" or a "Do Not Pass" recommendation, thus putting it out of Committee so that it may be considered by the Committee of the Whole on Second Reading.
- B. To amend the bill.
- C. May postpone any action until a later date.
- D. May call for future study with action to be taken at a later date utilizing any new information found.
- E. May continue with the bills remaining to be heard.

When all the bills are heard or time runs out, the Committee may move to adjourn until the next regularly scheduled meeting, or may move to meet again before the next regular meeting, or may dissolve itself into executive session.

The executive session of a Committee meeting is the time for the Committee to conduct more private business than is dealt with in a committee hearing. It is during the executive session that the committee members can have a more informal discussion of the bills being considered, can take final action on bills, and do whatever is needed to keep the Committee and its responsibilities in order. Under the 1972 Montana Constitution, Article V, Section 10 (3) all sessions of the Legislature, of the Committee of the Whole, all Committee meetings, and all hearings are open to the public. Therefore executive sessions are open to the public to attend.

chairman

It is essential to the understanding of the Committee system to realize how powerful the Committee Chairman can be. By being able to determine the sequence of the bills to be considered, the date on which they will be considered, how much time will be granted for testimony, the sequence of the testifiers and so on, he can sway the Committee opinion one way or the other.

As the house usually concurs with the Committee's recommendation on a certain piece of legislation, it is easy to see that the fate of many bills is determined in the Committee meeting. This is why much of the voting that takes place during the houses' business sessions appears to the observer as slap-dash. Most of the legislators through their Committee work, recommendations from other Committees and so on have already made their decisions before coming to the business session. Most need only press their voting buttons "aye" or "nay."

testifying



Presenting testimony is an essential method to bring facts, opinions, views and statistics directly to the legislators. Testimony aids the legislative process by one, providing information on certain areas that legislators rarely have the time to research on their own; and two, keeping legislators aware of the public's feelings on certain legislation.

Anyone can give testimony and it need not be a "scary" experience. To eliminate any fears and become more comfortable in the committee hearing process and environment, it is advisable to observe others testifying in various committee hearings and see first-hand how it is done.

To be an effective testifier, it is of utmost importance to remember to be **brief and concise** in your statement. Nothing tunes out legislators more quickly than a long, boring and repetitious presentation.

Testimony may be presented in a variety of methods. Written testimony can be presented to a Committee for their consideration with copies provided for each member of the Committee in addition to one for the Committee secretary to keep on file. Such testimony may be presented to the Committee by hand or if you are at home and cannot be present, it can be mailed to the Committee. It is also possible to present written testimony, and then read through it with the Committee or give a brief summary of the material contained within when giving out the copies to the Committee at a hearing.

Spoken testimony is another method and it is permissible to write out your testimony and read it to the Committee, or to speak with the aid of notes. It will be up to you to use the method that you feel the most comfortable with.

If when presenting testimony, you would like to use visual aids by all means do so if it will make your presentation more effective and understandable. On some occasions films, slides and even field trips have been allowed. It will be necessary to make arrangements with the Committee chairman if films and so on are to be shown or field trips planned, as it will be his decision as to whether the Committee can afford the time that would be needed.

Always when presenting testimony, whether written or oral, REMEMBER:

1. State your name, where you are from and whom you represent at the beginning.
2. State the number of the bill and its sponsor.
3. Be concise and to the point on why you support or oppose the legislation.
4. If speaking, speak so all the Committee members can hear you and speak at a moderate pace.
5. If you use statistics or any special data, be sure you can document your sources of information for the Committee.
6. When completed, thank the Committee for listening and offer to answer any questions concerning your testimony.

lobbying

Lobbying is an integral element of the legislative process, playing an important role in our State governmental system. Essentially lobbying is a method which people with special concerns, needs, views and opinions use to persuade public officials, especially legislators, to support policies, measures and legislation that will benefit their individual interests the most.

By providing information about certain areas, problems, issues, the feasibility of proposed solutions and most importantly how the legislator's constituents are reacting, the lobbyist can provide vital information that the individual legislator rarely has time to research on his own. Through testimony given in Committee hearings, the lobbyist broadens both his basis for dispersing information and the number of people he reaches to make aware of his concerns.

Lobbying is a legitimate function with the stigma surrounding the label "lobbyist" mainly based on instances where individual lobbyists have proven to be less than ethical in their means of persuasion. "Wining and dining," giving false and overly biased data, threatening to work against a particular legislator at re-election time are a few of the methods that have not served to improve the image of the "lobbyist."

Aside from such maneuverings, however, lobbyists do provide essential services for the legislative process, and remind the legislators of what the public is thinking and what type of legislation the public wants.

Who Can Lobby?

Any citizen has the right to lobby professionally who is of adult age (in Montana the legal age is 18 years), of good moral character and a citizen of the United States. This does not bar other citizens, including high-school-age persons, from testifying and making their views known to legislators.

A person wishing to register as a lobbyist must fill out an application form for a license obtained from the Secretary of State's Office. A license is issued upon acceptance of the application and the payment of the \$10.00 license fee.

Under the Lobbyist Registration and Licensing Law, it is important to note these sections:

43-802. Definitions. The following words and phrases shall have the meaning respectively ascribed to them:

(1) Lobbying. The practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members thereof by any person other than a member of the legislature or a public official acting in his official capacity.

(2) Lobbyist. Any person who engages in the practice of lobbying for hire except in the manner authorized by section 43-807. Lobbying for hire shall include activities of any officers, agents, attorneys or employees of any principal who are paid a regular salary or retained by such principal and whose duties

include lobbying. When a person is only reimbursed for his personal living and travel expenses, he shall not be considered to be lobbying for hire. Nothing in this section shall be construed to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the legislature.

43-807. Persons not required to be licensed or registered. Any person who limits his lobbying solely to appearances before legislative committees of either house and registers his appearance on the records of such committee in writing, shall not be required to be licensed as a lobbyist, pay a license fee, or register with the secretary of state.

To many of the observers of the Legislature, the voting process is confusing and complicated. Both the House of Representatives and the Senate have lighted automatic tabulation voting machines that are visible to legislators and observers. The membership of the respective house is listed alphabetically on the voting board, so that it is possible to view how each individual has voted. A green light means an "aye" or yes vote, and a red light means a "no" vote on a certain piece of legislation.

voting



When a bill is brought before the Committee of the Whole for a vote on Second Reading, the bill number is lighted above the voting machine, for example, HB-234. If the bill number is followed by an "A", this means that the vote is on an amendment to the bill and will be lighted as HB-234 A. All amendments to a bill must be voted on before the final vote on the bill in question. This explains why at times it seems that the legislators are voting and voting on the same bill without passing or rejecting it. The final vote on a bill such as HB-234 will include only those amendments which received a majority of votes and thus become a part of the bill.

A vote on Third Reading is only on the final version of the bill, as adopted by the Committee of the Whole.

Methods of Voting

The following are the basic voting methods used by the Legislature:

- A. **Voice Vote:** the members in turn call out "ayes" and "noes" and the presiding officer judges which side has prevailed.
- B. **Division or Rising Vote:** Any member who doubts the results of the voice vote may ask for this vote in which the two groups rise alternately and are counted.
- C. **Roll Call Vote:** is taken on non-substantive questions and the names of the members shall be called alphabetically unless an electrical voting system is used.
- D. **Recorded Vote:** is taken on substantive questions, and the membership are recorded by name as voting "aye" or "no."

Pairing of Votes

Pairing of votes is a rather complicated procedure that basically provides a method for absent members to vote on legislation. When a member of the Legislature knows ahead of time that he is going to be absent from a business session of his respective house, and he still wishes to have his vote on certain legislation taken, he pairs votes.

Before leaving, the legislator goes to the proper official which is usually the Majority or Minority Leader, depending upon party affiliation. The pair is filed with the Secretary of the Senate or the Chief Clerk of the House at the time of the vote. This official supplies him with the necessary forms to be filled out. He then fills out the form with his name, the legislation he wishes to vote on and his vote, either "aye" or "no".

For example, Senator Smith wishes to vote "no" on SB-449. After filling out his pair vote form, he must find a member of his house, the Senate, who will be present during the session in question. The legislative member that will be present must want to vote opposite Senator Smith. Senator Smith finds that Senator Jones will be willing to pair vote, and will be voting "aye" on SB-449. Senator Jones now fills in the same form stating he will vote "aye" on SB-449 and signs his name. The forms are turned back in to the Secretary of the Senate.

The following day Senator Smith must return to his hometown to attend a funeral, and it is this day that SB-449 is to be considered by the Senate. When the final vote on SB-449 comes up, before the voting is totaled, the Secretary of the Senate will announce the pair votes stating, "Mr. Smith and Mr. Jones pair on SB-449 with Smith voting "no" and Jones voting "aye". After all the pair votes are read, the votes showing on the voting machines are totalled.

Paired votes do not appear on the voting machines. So even though Senator Jones is present, he does not push his voting button. The Secretary of the Senate will then announce the final vote totals, including the pair votes. Thus the announced vote will not coincide with the total appearing on the voting machine. The same process occurs in the House of Representatives with the Clerk of the House announcing the pair votes and the final vote.



what can i do?

- ★ Begin to seek out new blood who can bring fresh ideas to the next Legislative Assembly. It's never too early to begin campaigning.
- ★ Read the newspapers and check during the interim between sessions on what is happening.
- ★ Write letters to the Editor of your local newspapers on various issues. Create public awareness.
- ★ Check the voting records of your legislators and let them know that you are aware of how they voted.
- ★ Meet with your legislators when they return home and express your opinions. By contacting your legislator before the next session, there is a better chance that some of your ideas may result in proposed legislation.
- ★ When a Legislative Session begins, request that your newspaper publish committee hearing schedules.
- ★ Attend committee hearings and meetings — testify when you really want your views known.
- ★ MOST OF ALL, keep tabs on your legislators and what they are doing. Those not doing their job can only be prevented from returning by you.



Law Making

"Law Making" follows the basic step-by-step procedure that a bill follows from its introduction through its passage into law. In this example, the bill originates in the House of Representatives. A bill originating in the Senate would follow the same steps, only with Senate and House of Representatives reversed.



Introduction of the Bill: A bill is introduced in the House of Representatives by one of the members. It may also be initiated by one of the Legislative Committees.



First Reading of the Bill: The Clerk of the House of Representatives assigns a number to the bill and reads the number, author and title of the bill before the House.



Referred to the Appropriate Committee: The presiding officer, the Speaker of the House of Representatives*, refers the bill to the appropriate committee for study and recommendations. Copies of the bill are reproduced and made available to the legislative members and the public. (*In the Senate, the President.)



Committee Hearing on the Bill: After consideration of the bill, the Committee may conduct public hearings at which time interested persons have the opportunity to speak "for" or "against" the proposed legislation. The Committee then submits a standing committee report. The Committee may recommend one of the following actions:

- "Recommend bill 'do pass'."
- "Recommend bill 'do not pass'."
- "Recommend bill 'pass as amended'."
- "Recommend a substitute bill."



If a favorable committee report is adopted, then the bill is reproduced, including any amendments and is placed on the calendar to await further consideration.



Second Reading: The bill is considered by the entire chamber acting as a "Committee of the Whole." At this time the bill is considered section by section (merely by section number), and is debated. Any member may propose **Amendments** to the bill. Approval or adoption of the Committee report prepares the bill for final passage. Rejection of a favorable Committee report means killing the bill. Other action to kill the bill may take the form of "indefinite postponement."



Engrossment: The bill is rechecked for errors and is put in final form including all amendments.



Third Reading: The House of Representatives votes on final passage of the bill. If the bill passes, it is sent to the Senate. If the bill fails to pass, it may be referred to Committee for further study or may receive no further consideration.



First Reading in the Senate: The bill is referred to the proper Committee by the President of the Senate*, who is the presiding officer. (*In the House of Representatives, the Speaker of the House.)

Committee Hearing and Report: If a favorable Committee report is adopted, the bill is placed on the Calendar to await further consideration.



Second Reading: The bill is considered by the entire chamber acting as a "Committee of the Whole." The bill is debated and can be amended.



Third Reading: The Senate votes on final passage of the bill. If the bill fails to pass, it may be referred back to Committee or may receive no further consideration. If the bill passes both houses in identical form, it is **Enrolled** (reproduced in final form free from all errors), signed by the presiding officers of both houses and sent to the Governor.



If the bill passes the Senate in different form and the House of Representatives accepts the change(s), then the bill is enrolled, signed by the presiding officers and sent to the Governor.

If the House of Representatives rejects the changes.



the bill may be sent to a **Conference Committee** composed of members of both houses,

which tries to iron out differences or reach an acceptable compromise.

If the Conference Committee reaches an agreement,



the Committee report is sent to both houses for their consideration.

If the Conference Committee does not reach an agreement, the bill may receive no further consideration, or a new Conference Committee may be named.



If both houses accept the compromises, the bill is enrolled, signed by the presiding officers and sent to the Governor.

The bill becomes a law if the Governor signs within five days after it has reached his office during the Legislative Session. If the Governor does not sign or veto the bill within the five days after its delivery to him **and** the Legislature is in session (25 days if the Legislature has adjourned), the bill becomes law.



Should the Governor veto the bill, he shall return it to the Legislature with his reasons for doing so. If two-thirds of the members approve the bill, after it has been vetoed by the Governor, the bill shall become law.

When the Legislature is not in session and the Governor vetoes a bill, the Governor will return the bill with his reasons for rejecting it to the Secretary of State. The Secretary will mail a copy of the veto message to each member of the Legislature. The Legislature may then reconvene to reconsider any bill so vetoed.

The 1972 Constitution eliminates the Governor's previous power of the "pocket veto." The "pocket veto" allowed the Governor to kill or veto a bill merely by not signing it within the prescribed number of days allowed him for such action.

how a bill becomes law



The passage of a bill into law is a complicated procedure and can at times seem to be an endless maze of alternatives. An educational device, the role play, can be utilized to explain the bill passage procedure and through visual aids can make it more easily understood.

"How A Bill Becomes Law" follows a House bill through introduction until its passage into law, including the role-playing of a committee hearing on the bill. A bill originating in the Senate would follow the same steps only with Senate and

House of Representatives reversed. This role play does not present all the possible alternatives that can occur, so for the complete procedure it will be helpful to refer to the section "Law Making."

This role play can be used in the classroom, at meetings, as a demonstration — anywhere there is confusion as to the law-making procedure that occurs at our Legislature.

Directives:

- A. Scatter the following signs, with strings attached, face down on the floor throughout the area.



Mr. Speaker (of the House of Representatives)
Clerk (of the House of Representatives)
House of Representatives
House Committee Members
Mr. President (of the Senate)
Senate
Senate Committee Members

Governor
Letters
Telephone Calls

Lobbyist for the Bill
Lobbyist against the Bill
Testifier for the Bill
Testifier against the Bill

Secretary of State

Participants go to a sign, stand there, pick it up, put the sign around their neck and stay in the place where the sign was located.

- B. Provide these two signs to persons who have been selected ahead of time:
Sponsor of the Bill
The Bill

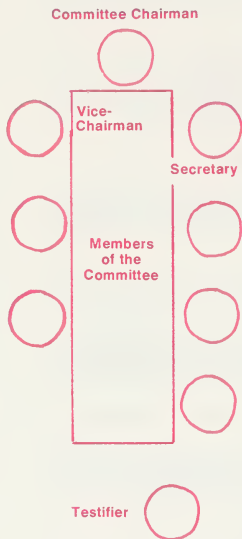
Narrator: Tell those who are “Letters” and “Telephone Calls” to try to get to the Legislators throughout the whole process. “Letters” and “Telephone Calls” can be **both** for and against the Bill.

1. “Sponsor (of the Bill), will you take the Bill to the Speaker of the House (of Representatives)?”
Sponsor: “Mr. Speaker, this is an act requiring Montana colleges and universities to develop procedures to protect a student’s right to privacy.”
2. “Bill, go to the Clerk (of the House of Representatives).
Clerk: “You are House Bill No. 502 introduced by Representatives Kimble, Tierney, Murphy, Bennetts and Bradley — an act requiring Montana colleges and universities to develop procedures to protect a student’s right to privacy.”
3. “Bill, go to the House Education Committee where you were assigned by the Speaker.”
4. “Bill, now you are printed on yellow paper for **Second Reading** and go to the House of Representatives for debate and possible amendment. You passed Second Reading.”
5. “Bill, you can now go off to be **engrossed** — that is, printed on blue paper in final form with amendments.”
6. “Now, Bill, go back to the House of Representatives for **Third Reading**. You passed Third Reading.”
7. “Sponsor, will you take the Bill to the President of the Senate?”
Sponsor: “Mr. President, this is House Bill No. 502.”
8. “The President of the Senate assigned you to the Senate Judiciary Committee.”

THE COMMITTEE HEARING

Directives:

- A. Have an explanation of the essence of House Bill 502, using copies of the “Introduced Bill.”
- B. Give the testifiers “for” and “against,” the lobbyists “for” and “against,” and the “Letters” and “Telephone Calls” a chance to get together to plan their arguments on the Bill.
- C. Conduct a hearing with the Senate Judiciary Committee. Provide new signs for the participants. These signs will include one for each Committee member, a Committee Secretary, the Committee chairman and the Committee vice-chairman.



D. Arrange the committee room with a long table in the middle of the room with chairs around it for the committee members to be seated. Provide chairs placed along the walls of the room for the testifiers, lobbyists and observers.

E. The person role-playing the chairman will call the committee meeting to order, and the committee secretary will call the roll.

1. The chairman asks the "Sponsor of the Bill" to address the committee by introducing his bill with a concise summary of its essence.
2. The testifiers and lobbyists "for" the Bill will give their arguments to the committee followed by the testifiers and lobbyists "against" the Bill.
3. The chairman then asks if the sponsor would like to close by clarifying any points and giving rebuttal if he wishes.
4. The chairman now allows the committee members to ask questions of any testifiers, lobbyists or the Bill's Sponsor.
5. After the questioning, the chairman can ask the committee to take action on the bill — usually a vote is taken to determine whether or not the bill should be given a "do pass" recommendation.
6. The Bill receives a "do pass" recommendation after the committee adds some amendments.
7. The Committee Chairman adjourns the meeting.

F. For more detailed information on a committee hearing procedure, refer to the section "The Committee System."

9. "Bill, you came out of the Senate Judiciary Committee with several amendments which were printed on pink paper. With these amendments, you went to the Senate for **Second Reading** and passed. On March 1st, you passed **Third Reading** in the Senate with a vote of 40 to 7.
10. "Bill, now go to the House of Representatives where that body concurred in the Senate amendments."
11. "Bill, will you go to the Speaker of the House to be signed?" (The Speaker of the House signs the Bill.)
12. "Now Bill, go to the President of the Senate for signature." (The President of the Senate signs the Bill.)
13. "Next Bill, go to the Governor for his signature." (After studying the Bill, the Governor signs it into law.)
14. "Finally Bill, go to the Secretary of State for filing." (The final copy of the Bill with its history of passage is kept on file in the Secretary of State's Office.)

sources of information

WHERE TO GET:

A. Copies of Legislative Bills

1. During the Legislative Session: in the basement of the Capitol Building at the Mail Room for a small fee.
2. After a Legislative Session, bills that are passed and signed into law:
At the Secretary of State's Office at a cost of approximately 50 cents a page.
At your local County Clerk and Recorder's Office which receives bills of general interest and that directly affect counties.
3. Held over bills and killed legislation, from the Legislative Council or the Secretary of the Senate or the Chief Clerk of the House.

B. Lists of Lobbyists

1. During the Legislative Session: lists of lobbyists and whom they represent are posted daily by the Chief Clerk of the House and the Secretary of the Senate.
2. After a Legislative Session: alphabetical lists of all registered lobbyists and whom they represented can be obtained from the Secretary of State's Office in the Capitol.
3. Copies of the Lobbyist Registration and Licensing Law for Montana also can be obtained from the Secretary of State's Office.

C. Voting Records

1. During the Legislative Session, request copies of the vote on a certain bill at the Offices of the Clerk of the House and the Secretary of the Senate.
2. Between Legislative Sessions: contact the Legislative Council, the Secretary of the Senate or the Chief Clerk of the House, located in the Capitol Building.
3. At the end of each Legislative Session, the Journals of both the House of Representatives and the Senate are compiled into bound volumes — one for each house — along with a bound index. These volumes contain the voting records of that Session. Copies of these volumes are sent to each local County Clerk and Recorder's Office and can be used by the public.

LOCAL COUNTY CLERK AND RECORDER'S OFFICES are supplied with this legislative information that is available to the public for use:

1. Copies of both introduced and enacted legislative bills that are of general interest to the public and of particular interest to counties.
2. Copies of bound volumes of each houses' **Journal** for each session which include voting records.
3. Copies of bound volumes of each Legislature's **Session Laws**.
4. Copies of bound volumes of the **Revised Codes** of the State of Montana.

THE LEAGUE OF WOMEN VOTERS OF MONTANA have numerous booklets and information on the Legislature, State Government and other political areas. Write:

The League of Women Voters
6630 Siesta Drive
Missoula, Montana 59801

LEGISLATIVE DIRECTORIES are available during Legislative Assemblies through the compliments of various companies. The following were available during the 1973-1974 Assembly.

1. **Montana Directory** - compliments of the Mountain Bell Telephone Company. Included such information as a list of the Capitol phone numbers, Standing Committee memberships, addresses and occupations of the Legislators and so on.
2. **A Guide to Montana's 43rd Legislative Assembly** - compliments of Montana's Rural Electrics. Included photographs of all personnel and Legislators, floor plan of the Capitol, seating charts for both houses and so on.
3. **Lawmakers of Montana** - compliments of The Anaconda Company. Includes a pictorial-biographical reference of those chosen to serve during a specific Legislature.

terms

COMMITTEE OF THE WHOLE: refers to the total membership of the House of Representatives or the Senate when the individual house has convened for the day and is in a business session to consider proposed legislation on Second Reading.

ENGROSSED: the bill is between Second and Third Reading. The bill is rechecked and put into final form including all amendments.

ENROLLING: the bill has passed both houses and is on its way to the Governor for final signature.

HB: is an abbreviation for House Bill, for example HB-234.

PRINTING: the bill has come out of its assigned Committee and will be heard on Second Reading.

SB: is an abbreviation for Senate Bill, for example SB-135.

RESOLUTIONS: legislation used to express the opinion of a legislative body or to make a request.

- A. Simple Resolution: a formalized motion passed by one house to amend the rules of that house or to express the desire or sympathy of that house.
- B. Joint Resolution: must be adopted by both houses of the Legislature and is filed with the Secretary of State.
 1. Used to express desire, opinion, sympathy or;
 2. To request amendments of the Legislature's Joint Rules, or;
 3. To ratify or propose amendments to the United States Constitution.
 4. Are treated like bills
 5. Become effective immediately upon passage.
 6. If a joint resolution goes beyond the scope of 1-3 above, then it must be signed by the Governor.

